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692 complaint but the good repute of a man's village. Even recent cases of murder and suicide were handled entirely by the traditional Badaga council in the village where the acts were committed. That procedure contravenes Indian law, for any such criminal offences should automatically be reported to the police and then examined in a magistrate's court.[17] However, whether siding with the victim, the malefactor or neither, Badagas prefer to settle such matters through the headman and his council, thus protecting the village name from the dishonour of a police investigation and loose gossip. For the same reason they also try to stop a case from reaching the higher levels of their own traditional councils.

691 692 Despite this restrictiveness, it is now very common for a case which has already been judged by the village council to be taken to a lawcourt by whichever side has lost; hence we may characterize the present procedure as 'ambilegal'. There are two factors which may prevent the loser from appealing his case to a magistrate: one is the high cost of solicitors and of bribing various petty officials; the other is the common knowledge that the decision of the village council, though often not very impartial, can be used as evidence in court, whereupon in something like '98% of cases' (in the estimate of one experienced informant) the magistrate simply reiterates this decision.

Although he usually upholds the village council's decision, it is not in itself legally binding. Therefore while an appeal to the traditional councils is normally cheaper this is done less often now than before the Second World War. As disenchanted and westernized litigants turn to the magistrates more and more frequently the traditional hierarchy of councils is proportionately sapped of the power to enforce its decisions.

[128] A case taken from my notes may help illustrate how an individual can nowadays try to manipulate the two judicial systems to disadvantage an opponent.[18]

159 691 692 Two brothers, Kallan and Jo:gi, lived together with their wives and children as a joint family in a Me:kuna:du village and, as was the custom, also held joint ownership of their land, each farming as much of it as he wanted. In 1948, Jo:gi, the elder brother, died leaving his two young children and wife in the care of Kallan. One of these children was a daughter who would leave the family at marriage and would not be entitled, under

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Badaga law, to any inheritance from her dead father. But Nandi, the dead man's son, would in time demand a half of the joint family's estate. Kallan knew this very well, for he could easily see how most joint families were breaking up into nuclear families; and he also recognized that with his wife, two sons and two daughters he would be making a much greater drain on the family resources than would Nandi and his mother. Kallan therefore decided soon after Jo:gi's death to secure title—under the Indian legal system—to much more than the half of the family land which he could justly claim when Nandi demanded its division, as he undoubtedly would in due course. Already arguments had arisen between Kallan and the widow over who should cultivate each part of the land.

Kallan realized that he could expect no support from his village council, for they would certainly take the just side of his victim, and Kallan himself was not wealthy or powerful enough to bribe them into doing otherwise. He therefore decided to get a legal agreement registered for transfer of land to himself without either the boy or his mother knowing about it. He mustered two men and one woman to act as witnesses, giving them handsome bribes for their services and secrecy. Two of them belonged to a different phratry than Kallan's, and all were unrelated to his family. At the land registrar's office in Coonoor, far from their village, the woman witness claimed that she was Jo:gi's widow, and that Kallan had loaned her some money against the security of about three-quarters of the land she had title to since her husband's death (i.e., on her son's behalf). The government official registered an agreement that if the sum of money supposedly lent her was not repaid within ten years the land would automatically become Kallan's property. The official did not investigate whether the woman really had any title or whether she was indeed Jo:gi's widow. As she could not write, she set her thumb-print to the document.

Kallan continued to let Jo:gi's real widow use the land she needed, hoping that she would die within the next ten years; and after eight years she did in fact pass away, presumably by natural causes. By this time her son Nandi had attained legal majority and soon found himself faced with the perennial problem of Badaga farmers, shortage of money. He went to the local co-operative society and obtained a loan of two thousand rupees against a pledge of two acres of what was assumed to be

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159 his land. The co-operative society casually enquired if the land
691 was encumbered, but as nobody suspected that it was the loan
692 was granted.

That year Nandi's potato crop was ruined by disease, and he was unable to repay the loan within the stipulated time. The co-operative society thereupon made preparations to seize the two acres which Nandi had pledged; at which point Kallan decided to step in, as the land was covered by his spurious agreement. He even announced that he would sue the society in court for trying to seize land that legally belonged to him. This was the first time that Nandi and the village learned about the transfer agreement registered some twelve years earlier.

In revealing the existence of that document and telling Nandi that his mother had made the agreement while he was a small boy, Kallan failed to take note of one important fact: one of the men whom he had paid to act as false witness at the registration was now president of the co-operative society! This man, Madia, now did what seemed best for his society and—without mentioning his own role in the matter—tipped off Nandi about the falsity of Kallan's agreement. Madia advised the young man to take the case to the magistrate's court and charge Kallan with false representation. This would not be difficult, for the woman who had posed as Nandi's mother was still living, and her thumb-print could thus be checked with that on the document. Such a sophisticated method of proving the falsity of a document would be beyond the capabilities of the village council and would probably win scant support for Nandi's case there. (Undoubtedly Madia had his own reasons for not wanting the matter discussed in his village.) But unfortunately Nandi had no money to initiate a hearing in the magistrate's court. He did not take the matter to his own village council either, for he knew the council has little power left to enforce its decisions, and the likelihood was high that Kallan would be able to bribe its members.

Whether bribes were in fact given or not, the council did discuss the case some fifteen years ago and advised Nandi to repay the money his mother had supposedly borrowed from Kallan. This was their compromise solution, offering Kallan a financial inducement—the money which he had never really lent—and offering Nandi tenure of the two acres he had pledged and cancellation of Kallan's spurious agreement.

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Kallan was apparently willing to accept this, for he was now urging Nandi to repay the supposed loan but under no circumstances to go to a lawcourt. Now it is up to Nandi to solve the problem, still at stalemate in 1975. The solution which he chooses must be couched in the current ambilegal idiom. If he attempts a solution purely in the traditional idiom or purely in the lawcourt idiom, without taking into account the alternate system and Kallan's possible manipulation of it, then Nandi's chances of ultimate success are slim.

The point which the case of Kallan and Nandi underlines is that the introduction of British procedural law in the nineteenth century did not simply offer Badagas an alternative or more effective approach for solving conflicts in their community. The procedure in a lawcourt must have seemed capricious to a villager: it operated on the assumption that all individuals were equal before the law and that the proceedings must work directly towards a just decision; whether a man was a Torea or a member of the gentry was irrelevant to how he would be treated; his past history and his family's reputation were similarly not taken into consideration. To Kallan and Nandi, therefore, as to many of their Badaga contemporaries, the lawcourt is less a mechanism for dispensing impartial justice than a possible means of revenge and a process for overcoming one's opponent (regardless of who may actually be in the right). The use of a lawcourt can involve an opponent in crippling legal costs, and the prospect of these costs may frighten him into compliance with what is wanted of him. Threatening to go to a lawcourt after receiving unfavourable treatment from the village council can also be used to undermine the authority of the elders and cast aspersions upon the village's respectability. For over a century Badagas have had a saying that runs: 'If you prefer a complaint to a magistrate, it is as if you had put poison into your adversary's food' (Metz, 1864, 92; Grigg, 1880, 224). The belief is still voiced today; but in the interim Badagas have learned how to apply the poison effectively.

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POLITICAL CHOICE

646 For the past five decades Badagas have been elected to seats in the state legislature, and for the past three there have been Badaga Members of Parliament. In recent years (as an effect of earlier

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646 reversals) the Congress Election Board and some other parties have been careful to choose candidates who were Badagas, since this is the preponderant community in the Nilgiris. Until 1967 the (666) electorate was clearly more interested in the candidate than his party's platform; but in 1967 this preference was reversed, owing to opposition party propaganda and the failure of earlier Congress representatives to satisfy educated young Badagas.

•159 The first Badaga to enter provincial politics was H.B. Ari Gowder, a university-educated Gauda. His village was close to the 646 European towns of Wellington and Coonoor, and his father (a former cowherd) was involved in lucrative construction work on the railway. Ari served for three terms as a member of the Madras Legislative Council before the Second World War and then had three terms in the Madras Legislative Assembly. He was defeated by a Congress candidate in 1946, but in 1952–1957 had another term as an Independent M.L.A. In his early political career he was an Independent but with leanings towards the Justice Party (which tended to support British rule and oppose the dominance of the provincial administration by Brahmins); and ever after he remained an Independent, despite a general sympathy among (554) Badagas for the Congress movement. This man clearly achieved much political influence and perhaps charisma by entering public life in 1924 and capitalizing on the wealth and popularity of his father. Up to his death in 1971 he was undoubtedly more powerful among Badagas than their paramount chief.[19]

159 As Diagram 9 indicates, Ari Gowder's relatives followed him into the political arena. In the 1957 elections for the State 646 Assembly his sister's husband was elected, and in 1962 the 666 Communist candidate was his nephew; in the same year his brother's wife, the first Badaga woman to graduate, ran for Parliament on the Congress Party ticket and was elected. In 1967 she was defeated by a former Congressman, a well-educated Gauda from the Ke:ti area who represented the rightist Swatantra Party—the first time since Independence that a winning Badaga 666 candidate was from a party other than Congress. In the State Assembly election of that year Congress also lost to an Independent and a D.M.K. (Dravidian Progressive) candidate (both Badagas). As a result the national Congress government, which the electorate held responsible for the poor rice ration, has been trying to regain favour with Badaga voters by locating in the Nilgiris during the later 1960s a German agricultural project, a

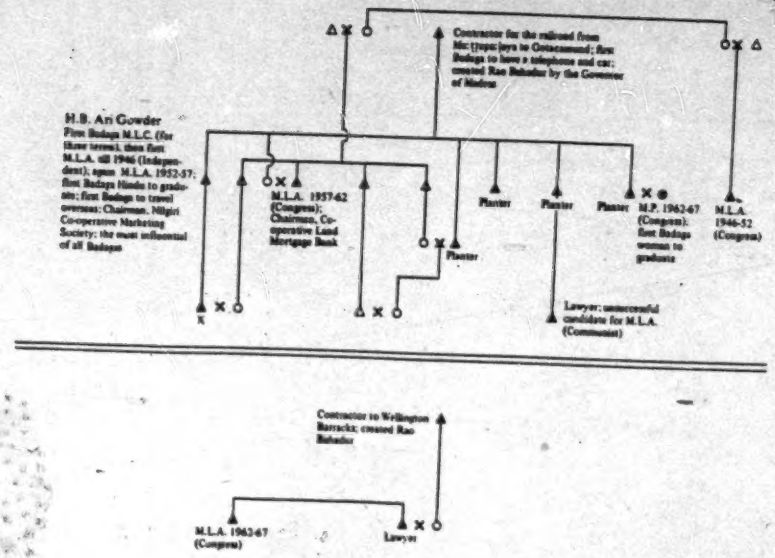

Diagram 9. The corridors of power

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622 624 capacity as village munsif [*manegar*] and Magistrate. He has to prepare reports, accounts, statements, etc., which it is necessary to put in writing . . .'; Madras, 1958, 1.

622 661 14. Thurston 1909, vol. I, 80. This unusual treatment was not obligatory and was rarely possible because a *manegar's* rounds were short and could not have kept him away from home at night. A *manegar* with a penchant for girls would quickly have lost his reputation.

623 15. The India-wide term for a village council. The distinction between civil and criminal law is made explicit in the *Indian Penal Code*, which in this matter closely follows English common law.

692 (623) 16. The *panchayat* members are supposedly elected every four years; their position is prestigeful but unpaid. The chosen representatives tend to be relatively well-educated but rarely village headmen. The powers of this court, which is at the lowest level in the hierarchy of lawcourts, are: ' . . . to take cognizance of and try specified offences of a trivial nature and abetment of such offences committed within the local limits of their respective jurisdiction. Such offences are affray . . ., voluntarily causing hurt . . ., assault or using criminal force . . ., theft . . ., and mischief . . ., insult . . ., some nuisances . . ., and generally any other offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months or with both.' Madras, 1958, 50.

692 622 17. It is supposedly the headman's duty to decide whether a case should be taken before a magistrate.

18. This case remained unsettled in 1975 (all names used are fictitious).

128 (159) 19. 'Satchit', 1940, 15; Dharmalingam, 1962; see Diagram 9. Just before his death H. B. Ari Gowder corrected what I have here written about his life.

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close relatives and any other Badagas who were receptive to the missionary message. Many cases could be cited from mission publications of Badagas who wavered in their attitude towards conversion. Metz for example commented that

> . . . the people of a village can be really affected by the love of Christ, when it is preached to them . . . But when I come again on my next tour . . . I find that in the meantime they have been so frightened by Satan and his tools that they hide in their houses when they hear that I have come, or run away when I ask them to listen if only for ½ hour. They fear to be convinced by my sermon and to have to suffer for it from their relations (B.E.M.S., 1870, no. 31, 22–23).

In some instances men waited till they were dying before openly requesting baptism (B.E.M.S., 1878, no. 39, 63). Individuals were always extremely reticent to become the first converts of their village. They often promised they would become Christians if their friends or relatives would lead the way. Thus Metz (1864, 135) remarked:

> . . . there are Badagas who will readily kneel down with me and offer up a prayer in which their wants were often expressed more forcibly, than they probably would have been by many a nominal Christian, and who, for several years, have discontinued idol worship: but when I ask them to go one step further . . . they immediately refer me to another, and say that if he will set the example, they will follow it: and if I appeal to him, he puts it off with a similar excuse.

Their immediate family problem was expressed by several to the preacher: 'What you say is true; but were we to follow your advice, we should have no hope of getting wives for our sons.' (B.E.M.S., 1853, no. 13, 39; 1856, no. 16, 34; 1858, no. 18, 92). Intermarriage between Hindus and Christians was unthinkable. Fear of ostracism was great, and held men back from the Christian fold.

The biographies of some converts vividly convey the extent to which the Hindus tried to force converts back into their old ways. The following slightly abbreviated quotations offer a representative pair of case histories.[1]

> (1) [Mada, baptized Mark] . . . had a wife and a little

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child ... The wife had promised to join him [in Christianity]. But on his return from Church the first Sunday, he found the door of his house locked, and his wife did not dare open it for him. Next day his father-in-law came, and took her and her child away to Adhikarhatti. His whole house was pillaged, and property to the value of several hundred rupees was taken away; even his potato field was dug up by his father-in-law. Shortly afterwards Mada's wife returned and was about to fulfil the promise she had made her husband before his conversion that she would also become a Christian. But next day her brother took her away by force, and after a few days she was sold [i.e., married after payment of bridewealth] to another husband. Only the little babe was left to Mada.

The bereaved husband then tried to get back his wife and his property by the help of the law ... But the [Moslem Police] Inspector treated the Christian witnesses with marked rudeness and would not listen to their evidence. Their depositions were sometimes taken down contrary to what was affirmed, in spite of [the missionary] Mr. Lütze's protests, while the witnesses of the opposite party were fully heard and recorded. Mada's wife was constantly surrounded by heathen Badagas, and when her husband asked her whether she had left him of her own free will or by compulsion ... she could only reply as she was told by the Badagas ... At last the police declared that the defendant [her father] had committed no unlawful action, and the case was dismissed ... Heathen neighbours and relations promised [Mada] their assistance to get back his wife and property, on condition that he returned to caste; Kalla especially pledged himself to that end. Mark [Mada] hesitated and wavered ... He stayed away from divine service, and when Kalla carried off Mark's wife by force from the neighbouring village and brought her back to him, when most of the plundered property also came back, he gave way ... (B.E.M.S., 1893, no. 54, 87–88; Harvest Field, 1894, ser. 3, vol. V, 546–551; Lütze, 1894, 22–23).

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(2) About the beginning of 1893, several young men of Kerehada ... came repeatedly to Mr. Lütze, mostly at night, to express their willingness to become Christians. They were Kalla, ... Karcha, the son, and Konga, the nephew of the *headman* of the village. They broke caste and openly spoke against idolatry and heathenism ... After some time Karcha

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and Konga asked [the missionary] to lend them some money to clear off their debts, which prevented their joining the Christians. Mr. Lütze had his suspicions, but Joseph. Kalla's cousin, said it would be wrong to hinder the victory of the gospel: he borrowed the money himself and lent it to the young men, getting a bond from them for the same. Then the three young men came to the mission-house at Kaity [i.e., Ke:ti] and openly joined the Christians ... The news spread like wild fire, and from the villages round to a distance of 15 miles people were flocking into Kaity sitting down inside and outside the mission-compound and trying to persuade the three young men to return to caste. For ten days the entreaties and tears of their female, and the promises and entreaties of their male, relations continued, and repeated endeavors were made to carry them off by force.

At last the young men could stand it no longer. On the 7th. April 1893 Karcha and Konga stole away, and four days afterwards Kalla followed them. By the intrigues of the headman they were after a month re-admitted into caste, and Kalla even succeeded in enticing back his son Madya (Immanuel). The poor boy is now a drunkard and totally ruined. 'It is better to be ruined body and soul than to be a Christian,' that is the opinion held and expressed by many of the heathen. But the heathen Badagas, especially the headman ... were not satisfied with these successes. He induced the backsliders to deny the receipt of the money lent to them by Joseph and to force him to return the bonds. Joseph was threatened by them with a cudgelling and with death if he did not return the bonds. Moved by fear he at last returned them. But his tormentors were not satisfied; they refused acceptance of the bonds. Twice Kalla lay in wait for good-natured Joseph ..., dragged him to a safe place and beat him mercilessly, and Karcha lodged a complaint against Joseph accusing him of fraudulently eliciting a bond from him without paying him the money. He brought false witnesses, who swore to the truth of the complaint.... But the case was decided in favour of Joseph. Cheerfully Joseph and Isaiah returned that day from Coonoor to Kerehada. On the way they found Titus of Chogatorre [So:gatore] and invited him to spend the night with them. So the three men wended their way home, followed at a short distance by Isaiah's daughter and his brother-in-law. Just after they had crossed a deep

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[stream]... Karcha, armed with a cudgel, rushed forward from behind a rock and knocked the three men down. Kalla, Konga and Mark [Mada] also came forth from their hiding place, while the headman of the village with his servants was seen standing at a little distance encouraging the assailants. But as Isaiah's daughter and his brother-in-law called for help, they had to retire. Joseph and Titus were so injured, that they were unable to work for a whole month. Isaiah's arm had to be bandaged. When the assault was inquired into by the police, the assailants turned round and brought a complaint against their victims, whom they represented to have been the aggressors, and sued for Rs. 2,000 damages. This time, however, they were convicted and punished. Daniel also, the brother of Kalla, who had so greatly rejoiced at his brother joining the Christians, had to suffer from Kalla's spite. He drove him, his sick wife and his children out of their own house and locked it. After they got it back, he reaped Daniel's barley crop and filled his verandah with the straw. A few days afterwards the house was partially burned down. In consequence of this, Daniel's wife's illness was so aggravated that she died after long suffering... (B.E.M.S., 1893, no. 54, 88–90; my italics).

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It is apparent from many such cases that the converts, their fellow villagers and even the missionaries were commonly undergoing stress during the latter part of the nineteenth century. Attempts to make the converts return were sometimes legalistic and sometimes not, sometimes violent and sometimes merely argumentative. Much of the behaviour that marked these feuds drew its form and inspiration from the old practice of ostracism. Even before the British came to the Nilgiris Badagas had been in the habit of banishing members of the community for certain categories of crime and anti-social behaviour. Such people would then have to clear a patch of land in the jungle and make a new home there or else find a distant village willing to house them. The attempts to exclude converts from their own villages fitted this pattern and obliged the mission to allocate land near its compound for some of the new converts. Male converts who later reverted to Hinduism were readmitted to the Badaga community by a ceremony which involved shaving the head, cutting the thread of the loincloth, and purifying the tongue by burning it with a golden wire or some charcoal ('Miles', 1951, 70).

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wrong inside."

This woman had in fact married three or four husbands in the proper manner, and divorced each in turn. She then ran away with a young man. After three months she left this man, became a Christian, served in a local Church, then was transferred to Bangalore and left the Church. She was not heard of for five or six years and then turned up one day in her natal village with a small boy. She said she had married a Tamilian in Bangalore who was now outside the village and was afraid to come in. Somebody went to bring him while the woman begged her relative not to say that she had ever been married before or had become a Christian. To this, he agreed. The three of them finally settled in a small town.

Generally a man exorcising a ghost makes a chalk pattern, and puts flowers and incense on it. In the exorcism of this woman, however, this was not done. She sat in a chair during the session, which lasted from 0745 to 0900 hrs., facing a table on which was a large picture of Murugan (Subramaniam) and some other small ones too. The exorcist sat on another chair beside her. On the table were a lime fruit, some camphor and also a plate with raw yellow rice and sacred ash on it. Ash marks were also on the four corners of her seat.

To start with the man told the ghost: "You promised the other day that when we made *pu:ja* you would go away. Now you say you aren't going." The ghost then said it would go away about 0800 hrs. At about 0815 hrs. the ghost was still arguing with the exorcist that it was not yet 0800 hrs. Then it said it would leave, but first the man must give it a picture of the Tamil god Murugan. The exorcist gave the picture to the woman. Then the ghost said it would break the glass; the man replied, "Take all the frame, too." "No, it's my will and pleasure," replied the ghost. And so the man and the ghost argued on. There were some signs that the lady was not really possessed. When her *sa:ri* fell down at the front, she put it back up on her shoulder. Had she really been possessed, she probably would not have known that it had fallen, I was told. At another point the man took a stick and threatened to hit her if the ghost would not leave her. The woman replied: "See, my brothers are here to protect me." This also suggests she was not really in a trance. At another time when the man threatened her she came over to an aunt, dragged her up, and then sat down in her place beside another relative and said to him: "See, he wants to hit me, and you aren't

587 for the real widower to marry a girl capable of adding a number of sons to the
565 family. Thus, provided the previous wife's funeral has been handled in this man-
(584) ner, it is considered ethical for the widower to marry a putative virgin from another
(581) family of the gentry.

Generally all of the headmen and headmen's regular assistants belong to
565 the gentry; and during the last century the British officials normally appointed their
631 manegars and karnams (i.e. headmen and accountants) from among the gentry too (Grigg 1880: 366).

In keeping with the image of his greater honor, wisdom and prestige, a
565 member of the gentry receives rather different treatment than an ordinary man at the hands of the Badaga judicial council. Traditional Badaga law holds the individual
565 responsible for his acts, and treats him as the offender if he is found guilty of some
672 crime. Among the gentry, on the other hand, the head of the family is responsible
592 for the acts of all members of his family even though he may know nothing about them. This was vividly illustrated by a case in 1963, which I will quote from my field-notes.

"Belli is the traditional headman of a Badaga hamlet and, as he is the
• 159 eldest of several brothers, he is also head of his family, which is considered a
565 gentry family. One day he met his friend Lingan, a prominent elder from the
672 neighboring hamlet. They were on a footpath in the fields belonging to Lingan's
592 people. Without any prior explanation or greeting, Lingan abused Belli roundly for his despicable behavior. Belli was taken aback, and questioned him about the meaning of this outburst. He thus learned that one of his brothers had just kicked a Tamilian boy employed by the neighboring hamlet to look after their cattle. Normally Lingan would not have concerned himself with a minor hurt done to a non-Badaga in his hamlet; but in this case, because the boy was employed by the hamlet

as a whole, the implication of the kick was that it was a direct insult to Lingan's entire hamlet. And because the man who had given the kick was a member of the gentry, the insult was considered to have come from his entire family. Knowing all this, Lingan felt justified in making the attack on his friend. Belli recognized this fact and did not try to evade the implication; for to do so might bring his status as a member of the gentry into question. Belli therefore meekly apologized for his brother's behavior and, as he is a headman himself, thereupon fined himself four annas (5¢ U.S.) without calling any council to discuss the incident. He immediately handed the sum over to Lingan; but later gave his brother a stern lecture about his indiscretion."

This case makes a good illustration for the Badaga proverb, "The prestige of a great man can depend on a small boy." The people expect more honorable, even exemplary, behavior from the gentry than from others; and this expectation applies as much to younger members of the gentry as to their elders. The rule making the head of a gentry family responsible for the behavior of all its members thus constrains the younger members to behave in a way that will not dishonor the family head and thus the family reputation. If younger sons err seriously, they are likely to be disinherited and lose the claim to the status of gentry.

During the hearing of disputes a council is normally confronted with contradictory evidence. Whenever this happens they tend to evaluate the evidence not only in terms of any sort of abstract logical consistency, but also with respect to the social status of the people presenting the evidence. The rules for evaluating contradictory evidence are therefore, I was told, that a headman should be believed before any other man, a higher-level (e.g. divisional) headman before a lower-level one, a man should be believed before a woman, a member of the gentry or

691 692 the other hand there are two factors which militate against the loser going to a magistrate with his case: one is the cost of a solicitor and of bribing various petty officials; the other is the common knowledge that the previous decision of the village council can be brought forward as evidence in court, whereupon in something like "98% of cases" (in the estimate of one experienced informant) the magistrate will simply hand down exactly the same decision as the village council's.

An alternative route for appeal against a decision is the hierarchy of traditional councils. Although this is normally less expensive, it is being followed less often now than before the Second World War. As disenchanted litigants use the magistrate's court more and more frequently, the power of enforcing its decisions that rested with the traditional hierarchy of councils is proportionately sapped.

Badaga litigants, we have suggested, find themselves in what can be called an "ambi-legal" situation. A case taken from my field-notes may help illustrate how the individual may nowadays manage to manipulate the two judicial systems so as to disadvantage an opponent. (This case remains unsettled; all names are fictitious.)

●159 685 691 (592) (423) "Two brothers, Kallan and Jogi, lived together with their wives and children as a joint family and, as was the custom, also held their land in joint ownership, but each farmed as much of it as he wanted to. In 1948 Kallan, the elder brother, died leaving his two young children and wife in the care of Jogi. One of these children was a daughter, who would leave the family at marriage and would not be entitled, under Badaga law, to any inheritance from her dead father. But Ranga, the dead man's son, would in time become a man and would then demand a half of the entire joint family's estate. Jogi knew this very well, for he could

159 685 691 easily see how all of the joint families are now in process of breaking up into nuclear families; and he also recognized that he, with a family of two sons and two daughters, would be making a much greater drain on the family resources than would Ranga and his widowed mother. Jogi therefore decided soon after Kallan's death that the time was ripe for him to secure legal title -- under the official legal system of India -- to much more of the family land than the half of it which he could justly claim when young Ranga demanded its division, as he undoubtedly would in due course. Already arguments had arisen between Jogi and the widow over who should cultivate each part of the land.

"To achieve his end, Jogi decided that he would need to get a legal agreement registered for transfer of land to himself without either the boy or his mother knowing about it; and he also decided that he could expect no support from the council in his village, since they would automatically take the just side of his victim, and Jogi himself was not wealthy or powerful enough to bribe them into doing otherwise.

"Jogi therefore mustered up three people to act as witnesses. One of them was an illiterate woman, and both she and one of the men were members of a different phratry than Jogi's. All three of these witnesses were quite unrelated to Jogi's family, and all received handsome bribes from him for their services and secrecy. The four of them went to the land registrar's office in Ootacamund, far from their village, and there an agreement was officially registered. The woman witness claimed that she was Kallan's widow, and that Jogi had loaned her some money against the security of about 75% of the land she had title to since her husband's death. The government official registered this agreement without investigating whether the woman really held any title or whether indeed she was actually

159 Kallan's widow at all; and the agreement stated that if the sum of money supposedly
685 lent her was not repaid within ten years, the land would automatically become
691 Jogi's property. As the woman who pretended to be Kallan's widow could not write, she set her thumb-print to the document.

"Jogi continued to let Kallan's real widow use the land she needed, without ever letting her suspect that any such document existed. He of course hoped that she she would die before the ten years expired; and after eight years she did in fact pass away, presumably (though not certainly) by natural causes. By this time her son Ranga had attained his legal majority, and soon found himself faced with the perennial problem of the Badaga farmer, shortage of money. He went to the local Cooperative Society and obtained a loan of Rs. 2000 against a pledge of two acres of what he assumed was his land. The Cooperative Society enquired if the land were "encumbered", i.e. already pledged, but nobody suspected that in fact it was and so the loan was granted.

"That year Ranga's potato crop was ruined by disease, and so he was unable to repay the loan within the stipulated time. The Cooperative Society thereupon made preparations to seize the two acres which Ranga had pledged; but Jogi decided it was time for him to step in, as the land was part of that included in
(692) his spurious agreement. To make the most of the situation, Jogi announced that he would sue the Society in court for trying to seize land that legally belonged to him and not to Ranga at all. This was the first time that the transfer agreement, registered some twelve years before, was heard about by Ranga and the village.

"In bringing the existence of that document into the open, and in telling Ranga that his own mother had made the arrangement while Ranga was a small boy, Jogi had failed to take note of one important fact: one of the men whom he

159 had paid to act as a false witness at the registration of the document was now
685 President of the Cooperative Society! This man, Madia, now did what seemed
691 best for his Cooperative Society, and -- without mentioning his own role in the matter -- he tipped off Ranga about the falsity of Jogi's agreement. Madia advised the young man to take the case to the magistrate's court and charge Jogi with false
159 representation. This would not be a difficult thing to do, as the woman who had
685 posed as Ranga's mother was still living, and it would therefore be possible to
691 check her thumb-print with that on the document. Such a sophisticated method of
692 proving the falsity of the document would be beyond the capabilities of the village council, and would probably win little support for Ranga's case there. (Presumably the President of the Cooperative Society had his own reasons for not wanting the matter discussed in his own village either!) But unfortunately Ranga had no money available at that time to initiate a hearing in the magistrate's court, and so there was nothing he could do. He did not take the matter to his own village council either, because he knew that today the council has little power to enforce its decisions; and the likelihood that Jogi would be able to bribe members of the council was too high to make this course of action palatable to Ranga.

"Whether bribes have in fact been given or not, though, the village coun-
159 cil has now discussed the case and is advising Ranga to repay the money his mother
695 supposedly borrowed from Jogi. They are thus trying to make a compromise of the situation, offering Jogi a financial inducement -- the money which he had never really lent -- and offering Ranga tenure of the two acres he has pledged and cancellation of Jogi's spurious agreement. Jogi for his part is apparently willing to accept this, for he is now urging Ranga to repay the amount of the supposed loan, and not under any circumstances to take the case to the magistrate's court. But it

159 is now up to Ranga to solve the problem."

695 The solution which Ranga chooses must be couched in the current amis-

159 legal idiom. If he attempts a solution purely in the traditional idiom or purely in

692 the lawcourt idiom, without taking the alternate system and Jogi's possible manipulation of it into account, then Ranga's chances of ultimate success are slim.

177 The point which the case of Jogi and Ranga underlines is that the intro-

671 duction of British procedural law in the 19th Century did not simply offer the Bada-

692 gas an alternative approach for solving conflicts in their community. To any

829 Badaga the procedure in the lawcourt must have seemed capricious: it operated on the assumption that all individuals were equal before the law, and that the proceedings must work directly towards a just decision; whether a man was a Toreya or a member of the gentry was irrelevant to how he would be treated; his past history and his family's reputation were similarly not taken into consideration when

578 the specific case came before the court. To Jogi and Ranga, therefore, as to many

691 of their Badaga contemporaries, the lawcourt is less of a mechanism for dispen-

692 sing justice than a possible means of revenge and a process for overcoming one's opponent (regardless of who is actually in the right). The use of a lawcourt can involve an opponent in crippling legal costs, or the threat of these costs may frighten him into compliance with what is required of him. The threat of going to a lawcourt after one's case has received unfavorable treatment at the hands of the village council can also be used to undermine the authority of the elders on

578 that council and cast aspersions upon the honor of the village. For over a cen-

691 tury the Badagas have had a saying that runs: "If you take a complaint to a Magistrate, it is as if you had put poison into your adversary's food" (Grigg 1880: 224). The belief is still voiced today; but in the interim Badagas have learned how to